IN THE

Supreme Court of the United States

No. 73-1214

MARIAN VIRGINIA BUXTON, *IN PROPRIA PERSONA*,
Petitioner,

v.

UNITED STATES OF AMERICA,
Respondent.

A PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA

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IN THE

Supreme Court of the United States

No.

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v.

UNITED STATES OF AMERICA,
Respondent.

A PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA

PETITIONER'S PRAYER

Petitioner, Marian Virginia Buxton, prays that a Writ of Certiorari issue to review the Judgment of the United States Court of Appeals for the District of Columbia entered on January 15, 1974 in the above-entitled cause.

CITATION TO THE OPINION BELOW

The opinion of the United States Court of Appeals for the Second Circuit is printed in the Appendix attached hereto. *Infra*, page .

CONSTITUTIONAL PROVISIONS INVOLVED

(1) The Fifth Amendment to the United States Constitution provides in pertinent part: "No person shall . . . be deprived of life, liberty or property without due process of law."

(2) Constitutional Law 1 and 2. "A Constitution is . . . the Supreme Law . . . It's principles and rules rest on the fundamental concept of a Supreme Law expressed in written form in accordance with which all private rights must be determined and all public authorities administered."

(3) Criminal Liability for depriving or conspiring to deprive a person of his civil rights. Civil Rights Act of 1964, No. 16.

(4) Liability in damages under Civil Rights Laws for Conspiracy to deprive a person of his Civil Rights. Civil Rights Law No. 8, U.S.C. pp. 439.

(5) Digest of Conspiracy to Involuntary Servitude and Peonage, Constitutional Law No. 101.

(6) Civil Rights Decision of the United States Supreme Court in 1971. Griffin, Eugene, *et al.* Petitioners v. Breckinridge, Lavon, *et al.*, 403 U.S. 88, 29 L.Ed. pp. 338-351, Civil Rights Decision: This Action was based on 42 U.S.C. 1985(3), which authorizes the recovery of damages

where two or more persons conspire or go in disguise on the highway or on the premises of another for the purpose of depriving any person or class of persons of the equal protection of the laws or of equal privileges and immunities under the laws.

(7) The Citizen's "Right to a Speedy and Public Trial", Constitution of the United States Anno: Amendment No. 6, Senate Document No. 37, 88th Congressional Law. U.S. p. 1000.

(8) Tort, Federal Tort Claims Act. Pages 762-767 Construction and Application of 28 U.S.C. S. No. 2675(a) as amended in 1966 and implementing regulations requiring presentation of a claim to and denial of a claim by a Federal Agency before Court Action can be instituted against the United States under the Federal Tort Claims Act, pp. 762-767, Vol. 13, ALR Lawyer's Cooperative Publishing Company, Rochester, New York 1972.

(9) Constitutional Law: The requirement of a three-judge panel at the level of the United States District Court.

JURISDICTION

(1) The jurisdiction of this court, the Supreme Court of the United States to issue the Writ of Certiorari in this civil action arises from torts, defamation of the plaintiff, denial of the right to a speedy and public trial, (Citations 1, 4, 5, 6, 7, 9, 10, 11, 12, 13, 14, 15, 18, 19, 20, 22, 24, 25, 26, 27, 28) and, indeed, denial of any courtroom hearing at all, denial of any interview or contact with the Amicus Curiae, no opportunity for the three judge panel at the level of the U.S. District Court, and no

contact or opportunity to speak with any person of the Judges or lawyers in this action in the United States Court of Appeals.

(2) The oppression of being forced to read wilful misstatements of a report filed by the Amicus Curiae, to endure in silence, discrimination, neglect, and sadism in the actions of the United States Appeals Court for the District of Columbia and the United States District Court for the District of Columbia constitutes tort after tort. These torts have been reported to the Federal Bureau of Investigation, the Office of the President of the United States, to the Secretary of Defense, and to various lawyers, officers, and officials of the United States Navy, as well as to several attorneys of the United States and to these Courts of the District of Columbia themselves by various motions. No United States Courts below the level of the United States Supreme Court, nor any District of Columbia judges can disregard the orders of the Superior Court of California except by order of the United States Supreme Court, regarding matters of private property and civil claims.

STATEMENT OF THE CASE

(1) Plaintiff, Appellant, and Petitioner repeats her prayer for an order for

(a) pension to be paid to her according to the order of Congress which has passed a law paying pensions to widows of men who have served in the Armed Services of the United States when those widows of men who have served in the Armed Services of the United States are without income.

(b) Restoration of the widow's small apartment home in Honolulu, Hawaii, the family home of the veteran, the Reverend Mr. Buxton and his wife, the petitioner. Also petitioner requests the assistance of the government which she has believed to be the right of dependents of civilian employees and the employees themselves especially when in the U.S.N.R. and especially when classified to the extent of responsibility for the supervision of the Navy Supply Center at Pearl Harbor, Honolulu, Hawaii during the Vietnam War. Such rights to assistance as included in Admiralty Law and in Federal Law do include prevention of public ridicule, accusation and attack during the term of contract employment, safeguard as to personal and property security, and safeguard against the swindle, forgery, and unauthorized change of names on deeds of title to real property and securities while one is overseas.

(c) Lt. Commander James Morgan Buxton (retired, deceased) and his wife, the plaintiff did not receive such safeguard during the last contract of Mr. Buxton with the Navy which ended in 1965 with his retirement, and during that time, the forged transfer of title of their property, that of the Reverend Mr. Buxton, ordained in 1960, and also named Lt. Commander (ret.) and his wife, the petitioner, a large home in Lafayette, California, which seemed to have eventuated in a change of owners without proper property signatures and without remuneration. The same situation occurred during this Navy contract between the U.S. Navy and International Business Machines for the services of Mr. Buxton with regard to some stock certificates which were left on the mainland in a safe deposit box, resulting in illegal forgery and transfer of some of the stock certificates of various companies owned by Mr. and Mrs. James Morgan Buxton. These requests come under the law as to security, housing, medical care, and safeguard of

civilian employees of the armed services of the United States. Additionally, plaintiff prays an order for enjoinder against ridicule of an aged, distinguished, decorated and deceased Lt. Commander and deacon licensed to preach and to administer the sacraments of the Episcopal Church, with each complaint filed in the United States District Court, the United States Appeals Court of the District of Columbia and in the United States Supreme Court. The deceased Lt. Commander served his country faithfully actively in the armed services, and as Lt. Commander in the USNR under presidential appointment for more than twenty years.

(d) Petitioner prays an order for money damages for partial destruction of the structure which was the only shelter of the petitioner, a prefabricated log cabin in a very expensive resort at Lake Tahoe, due to Navy Security tap placed there for the protection of the owners and occupants, but without the request of the owner, the petitioner, and without consulting her. The radar or other equipment caused the building to tremble and reverberate to such an extent as to knock down the telephone pole part way, and to knock out the telephone wire into the house. It knocked down the chimney, the stove pipes and the ventilators, damaged the sewer pipes, and the foundation, and knocked many shakes off the roof. The damage was witnessed by an architect at the request of his friend, Attorney at Law, A.J. Ginocchio of Walnut Creek, California. Petitioner has paid thousands of dollars to repair the property which finally had to be sold at a great loss because of the damage to the chimney and other parts of the cabin.

(e) Finally, the petitioner prays an order for, and indeed, an enjoinder against the iniquities of this action in

which she has had to read a fantastic report of the amicus curiae gathered from Reno, Nevada, a city in which she has never resided and knows nobody. Petitioner has been deprived of a courtroom hearing of a just cause in the United States District Court and in the United States Court of Appeals for the District of Columbia for a pension as ordered and passed by Congress for widows of veterans of the armed services, and for claims in other matters. Since the number of the public law was not specified in the initial complaint and since the social security for widows over sixty would apply in this case, it seems impossible for the court to legally deny the order for the pension as passed by Congress, for widows of veterans of the armed services of the United States, especially classified widows of good character who have recently passed their sixtieth year as in the case of the petitioner.

SUMMARY OF THE ARGUMENT

(1) Plaintiff has been deprived of a courtroom hearing of a just cause in the United States District Court according to Constitutional Law in which she is entitled to a three judge panel at the level of the U.S. District Court, and to an open courtroom hearing with a speedy and public trial. According to Constitutional Law, petitioner has been deprived of liberty to assume her residence in her home State of Hawaii in her purchased residence, and has been deprvied of an open courtroom hearing from beginning to end of this case, a civil action claim for a pension passed by the Congress for widows of veterans of the armed services, which might be defined and included under the Social Security Act in these circumstances as above-described, and of various other federal rights, properties, and benefits constituting denial of the citizen's rights under

Fifth Amendment of the Constitution of the United States and discrimination under the various Civil Rights Laws of the Civil Rights Act of 1964, which include criminal liability for depriving a person thereof, and liability in damages for conspiring to deprive a person of his civil rights. Emphatically, this decision of the United States Appeals Court for the District of Columbia is against the Civil Rights Decision of the United States Supreme Court in 1971, with reference to Griffin, Eugene, *et al.*, Petitioners v. Breckinridge, Lavon, *et al.*, 403, U.S. 88, 29 L. Ed., pp. 338-351, Civil Rights Decision.

(2) The Tort of a civil action in the United States Appeals Court without ever having been heard in any courtroom, and an amicus curiae who remains invisible to the petitioner, of threats, coercion, intimidation and obvious efforts to undermine the character and competency of a classified psychologist constitutes Tort under the Federal Tort Claims Act, and petitioner so claims, after having reported the Tort to the Federal Bureau of Investigation, the Navy, and the Office of the President of the United States. The entire dismissal is discriminatory tort. Citation #24 Tort, Federal Tort Claims Act, pp. 762-767, Construction and Application . . . "implementing regulations requiring presentation of claim to and denial of claim by a Federal Agency before the Court Action can be instituted against the United States."

(3) In answer to the accusation of failure to comply with 28 U.S.C. #2675, appellant is amply and emphatically able to verify the submission of a formal claim with the respondent prior to instituting this cause through the following steps of formal notification:

(a) Consultation with the Federal Bureau of Investigation regarding the claim for both Navy pension for widows of servicemen, and the various other claims.

(b) Letters and phone calls to the Office of the President of the United States, the Honorable Richard M. Nixon, which were answered graciously several times, the first time in January of 1972, with a warm letter emphasizing the Civil Rights of the petitioner in the matters of this action as well as other matters.

(c) Consultation with Navy lawyers, Zimmerman and Roberts at Treasure Island Navy Base in California legal center. A phone call requesting an interview appointment resulted in a personal interview with the Navy lawyer in which the petitioner's appeals, needs, and damages were elucidated and sympathetically reviewed. The same type of interview was held by telephone with Mr. Canady of the Navy office in Washington, D.C., which handles assistance to dependents and pensions for widows of veterans of the U.S. Navy.

(d) A legal and formal official claim has been submitted in writing to the Secretary of the Navy, Mr. Forrestal, with the affidavit of service and summons attached to the Complaint and request for an order for payment of the pension as ordered by Congress for widows of men of the armed services and the formal notification of the claim for damages for partial destruction of the log cabin structure, and other claims pertaining to security on the Navy-IBM contract, in which Mr. Buxton was engaged through 1965 in Hawaii, and happenings since then through the death of Mr. Buxton, which has been stated by the United States Court of Appeals for the District of Columbia. The service of this complaint was made officially in Washington, D.C.,

and preceded the filing of the complaint with the Clerk of the Court of the U.S. District Court in Washington, D.C.

CONCLUSION

(1) Therefore, petitioner complains of tort in the United States District Court and Tort in the United States Court of Appeals for the District of Columbia and prays damages therefor under the Federal Tort Claims Act, pp. 762-767, 28 U.S.C.S. No. 2675(a), as amended in 1966 (citation #24, page 19); complains of discrimination and conspiracy to deprive of equal rights to a widow's pension several congressional laws and orders have provided, and ridicule, neglect, and conspiracy to undermine the widow's right to her home in Hawaii during and after a Navy contract entered into by the husband of petitioner.

(2) Petitioner prays a Writ of Certiorari to the United States Appeals Court in the District of Columbia ordering the United States Court of Appeals for the District of Columbia to review the claim for a pension as passed by Congress of the United States, for the petitioner, a widow of a veteran of the Navy, who is over sixty years of age and has no income and who is still classified and does useful research, and ordering the United States Court of Appeals to review the matter of the home in Hawaii and the other matters of the complaint, and ensuring the petitioner "equal privileges and immunities under the laws" as for all citizens according to Griffin v. Breckinridge, and the Civil Rights Act of 1964. (Citations 15, p. 17, and #18, p. 17, 3, 4, and 7, p. 15).

(3) Petitioner prays Writ of Certiorari to the United States Court of Appeals for assistance with other matters mentioned in the complaint as to recovering assets lost

during the period of the contract and thereafter as the results of the contract and the death of Mr. Buxton, the resulting invasion of privacy, and a funeral for the pitiable veteran who so happily devoted most of his working years as an IBM'er to the U.S. Navy.

Respectfully submitted,

/s/ MARIAN VIRGINIA BUXTON

APPENDIX

SCHEDULE OF CASES, STATUTES, AND POINTS OF AUTHORITY

1. Administrative Law Nos. 710, 711, Am. Jur. 2d Statutory Methods of Obtaining Review of Actions of Administrative agencies.

2. Amendments to Rules of Civil Procedure for the U.S. District Courts; Supplemental Briefs of the U.S. Courts, p. 1037, Vol. 398, *U.S. Reports*, October Term, 1969, May 18 to June 19, 1970.

3. Civil Rights Act of 1964, No. 2000(b)(3), prohibiting discrimination in places of exhibition or entertainment, page 439, No. 201(b)(3) and related provisions (42 U.S.C.), p. 439.

4. Civil Rights Act No. 16; 15 Am. Jur. 2d.

5. Constitutional Amendments: The Thirteenth Amendment of the Constitution of the U.S.A., No. 2, 42 U.S.C. 1985(3).

6. Constitutional Law No. 1: 16 Am. Jur. 2d, Constitutional Law Nos. 1, 2, p. 151,

> "A Constitution is . . . the supreme law . . . Its principles and rules rest on the fundamental concept of a supreme law expressed in written form in accordance with which all private rights must be determined and all public authority administered. . . ." 16 Am. Jur. 2d, Constitutional Law Nos. 1, 2, p. 151.

7. *Criminal Liability*, under 16, pp. 241, 242, for depriving or conspiring to deprive a person of his civil rights, 20 L.Ed. 2d, 1454.

8. Derivative Actions by Shareholder, Rule 23.1 (Investment Securities), p. 404, *U.S. Supreme Court Digest.*

9. Digest of Conspiracy, No. 17, U.S. L.Ed., Constitutional Law No. 101, *Involuntary Servitude and Peonage,* No. 1.

10. Digests of Civil Rights, No. 1.3 Ed., Index to Anno. Civil Rights, Conspiracy, Discrimination.

11. Forgery, Fraud, and Misrepresentation as Grounds for Cancellation of Deeds, pp. 139, 142, 145; 23 Am. Jur. 2d, *Deeds,*

> "A deed executed under such circumstances is ineffective to pass title even to an innocent purchaser."

12. Fraud and Deceit, Anderson's *Uniform Commercial Code,* Text, Cases, Commentary No. 4, 2d Ed., pp. 13-14; Code Sections 9-101, 10-104, Forged or Unauthorized Signatures, official Code comment No. 9, 102:1, Article 9.

13. Frauds, Statute of Frauds. Statute No. 8-319.1, p. 670. Investment Securities Nos. 8-104.1 to 8-104.2. p. 673; No. 8-105.1, p. 698; No. 8-204.1, pp. 670-675. Sections dealing with forged signatures.

14. Fraudulent Conveyances, p. 371, *U.S. Supreme Court Digest,* Lawyers Edition No. 17, Court Rules, Constitution, The Lawyers Cooperative Publishing Company, etc., Rule 18(b), Joinder of Remedies.

> "Whenever a claim is one heretofore cognizable only after another claim has been prosecuted to a conclusion, a plaintiff may state as claim for money and a claim to have set aside a conveyance fraudulent to his (as to

> him) without first having obtained a judgment establishing the claim for money."

15. *Griffin, Eugene, et al., Petitioners v. Breckinridge, Lavon, et al.*, 403 U.S. 88, 29 L.Ed. 339-351, Civil Rights Decision of U.S. Supreme Court in 1971. 91 S.Ct. 1790, No. 144, Argued 13 and 14, 1971, Decided June 7, 1971. Summary: The action was based on 42 U.S.C. 1985(3), which authorizes the recovery of damages where two or more persons conspire or go in disguise on the highway or on the premises of another for the purposes of depriving any person or class of persons of the equal protection of the laws or of equal privileges and immunities under the laws.

16. Investment Securities, Adverse Claims No. 8-304, *Notice to Purchaser*, p. 739, U.C.C. Effect of delivery without endorsement. Right to compel endorsement, p. 749, No. 8-308. Effect of endorsement without delivery.

> "An endorsement of a security whether special or in blank does not constitute a transfer until delivery of the security on which it appears or if the endorsement is on a separate document until delivery of both document and the security."

17. Investment Securities, Issue and Issuer, Anderson's *Uniform Commercial Code*, No. 3, p. 683, U.C.C. 8-201; Issuer, U.C.C. 8-202, pp. 683-690; U.C.C. Part No. 3 – Purchase – Rights acquired by purchaser, Adverse Claim, Title acquired by *bona fide* purchaser, pp. 726-727, U.C.C.

18. Liability in Damages under No. 8, U.S.C. No. 47, for conspiracy to deprive a person of his civil rights. 95 L.Ed. 1253.

19. Libel and Defamation, pp. 296-337, *U.S. Supreme Court Reports*, Lawyers Edition No. 29 L.Ed. 2d, U.S. 403 Law U.S. 5, 2d set (403) U.S. *George A. Rosebloom, Petitioner v. Metromedia, Inc.*, 403 U.S. 29, 29 L.Ed. 2d 296, 91 S. Ct. 1181, No. 66, Argued Dec. 7 and 8, 1970, Decided June 7, 1971. The District Court in the libel action, held that the Constitutional standard required by the First Amendment whereby recovery of damages for certain defamatory falsehoods was prohibited unless it was proved that it was uttered with a knowledge that it was false or not, was inapplicable unless the plaintiff was not a "public official" or a public figure and instructed in accordance with Pennsylvania libel laws.

20. Pleadings and Motions 9:11; Notice of Hearing and Motion Day. Rule 7(b) and Rule (11) provides for Motion and other papers. Moore's *Manual of Federal Practice and Procedure*. Moore-Vestal KF8820 A313, N64(1), on application to the Court for an order shall be by motion which unless made during a hearing or trial . . . in writing . . . shall set forth the relief or order . . . a motion is not a pleading . . . a motion . . . signed with intent to defeat the purpose of Rule (11) may be stricken as sham and false."

21. Rules of the Supreme Court: "If a pleading is not signed or is signed with intent to defeat the purpose of this rule (Rule 11) it amy be stricken as sham and false."

22. Securities, Scope and Suggestions Related to Lost, Stolen, Destroyed Securities. U.C.C. No. 8-405, p. 821, Lost, Stolen, Destroyed Securities, specifying when the owner is harried from asserting his claim thereon as owner, when the issuer must issue a replacement security and what consequences flow from the presentation . . . of the

original certificates by a third person. Shareholders Actions, pp. 991-1005.

23. Shareholders Actions, pp. 991-1005, Moore-Vestal, p. 540(7), *Special Damages.* Moore and Vestal in *Federal Practice* KF8840, M64. By Moore, James William, and Vestal, Allen D.; Vestal, D., Bender M., Albany, 1962.

24. *Tort,* Federal Tort Claims Act, pp. 762-767. Construction and Application of 28 U.S.C.S. No. 2675(a), as amended in 1966, and implementing regulations requiring presentation of claim to and denial of claim by a Federal Agency before the Court Action can be instituted against the United States. Federal Tort Claims, Cooperative Lawyers Publishing Co., Rochester, 1972.

25. Constitutional Law: The requirement of a three-judge panel at the level of the United States District Court.

26. Constitutional Law: Constitution of the United States of America Annotated, Senate Docuement No. 39, 88th Cong. Law U.S., p. 1000 – Right to a Speedy and Public Trial, Amendment 6 of the Constitution.

27. Crime Control Act of 1968.

28. Actionable Conspiracy, 16, Am. Jur. Conspiracy No. 50, 51, 53, 56 American Journal of Monopolies, Combination and Restraints of Trade, 1st Ed.

United States Court of Appeals

FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 73-1234 September Term, 19 73
Civil Action 2373-72

Marian Virginia Buxton,
Appellant

v.

United States of America (Navy)

Before: Bazelon, Chief Judge, and Leventhal, Circuit Judge.

O R D E R

On consideration of appellee's motion for summary affirmance, the opposition thereto and of appellant's response to the order of this Court to show cause why the judgment of the District Court should not be affirmed, it is

ORDERED by the Court that the remainder of appellee's motion for summary affirmance, held in abeyance by order of this Court dated September 21, 1973, is granted.

The Clerk is directed to transmit a certified copy of this order to the Clerk of the District Court as promptly as the business of his office permits.

Per Curiam

United States Court of Appeals

FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 73-1234 September Term, 19 73

Marian Virginia Buxton,
Appellant

Civil Action No. 2373-72

v.

United States of America (Navy)

United States Court of Appeals
for the District of Columbia Circuit
FILED DEC 3 1973
HUGH E. KLINE
CLERK

Before: Bazelon, Chief Judge and Robb, Circuit Judge

O R D E R

On consideration of the appellee's motion for summary affirmance and of the memorandum of amicus curiae submitted pursuant to this Court's order of September 21, 1973, and it appearing to the Court that appellant may not have submitted a formal claim with the appellee prior to instituting this cause as required by 28 U.S.C. § 2675, which reads:

> (a)An action shall not be instituted upon a claim against the United States for money damages for injury or loss of property or personal injury or death caused by the negligent or wrongful act or omission of any employee of the Government while acting within the scope of his office or employment, unless the claimant shall have first presented the claim to the appropriate Federal agency and his claim shall have been finally denied by the agency in writing and sent by certified or registered mail. The failure of an agency to make final disposition of a claim within six months after it is filed shall, at the option of the claimant any time thereafter, be deemed a final denial of the claim for purposes of this section. The provisions of this subsection shall not apply to such claims as may be asserted under the Federal Rules of Civil Procedure by third party complaint, cross-claim, or counterclaim.

United States Court of Appeals

FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 73-1234 Page 2 September Term, 19 73

it is

ORDERED by the Court that the appellant is directed to show cause, within 15 days from the date of this order, why the judgment of the District Court should not be affirmed on the ground that appellant failed to comply with 28 U.S.C. § 2675 before commencing this action.

Per Curiam

J. T. Reynolds
OX-5-0191

1156-1414

Lt. Commander J. M. Burton

United States Court of Appeals

FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 73-1934 September Term, 19 73

Marian Virginia Buxton,
Appellant

Civil Action No. 2373-72

v.

United States Court of Appeals

FILED SEP 21 1973

HUGH E. KLINE
CLERK

Before: Wright and McGowan, Circuit Judges

ORDER

On consideration of appellee's motion for summary affirmance, and of appellant's motion in opposition thereto, it is

ORDERED by the Court that the appeal from the dismissal of appellant's claimfor pension under 26 U.S.C. §1340(d) (1970) is dismissed and, it is

FURTHER ORDERED by the Court that: Sherman Cohn, Esquire
GEORGETOWN UNIVERSITY LAW CENTER
600 New Jersey Ave., NW
Washington, DC 20001
Phone: 624-8277

is appointed as amicus curiae and shall file a memorandum, within 30 days from the date of this order, advising the Court of the circumstances and issues in connection with the asserted destruction of appellant's home.

The remainder of appellee's motion for summary affirmance is held in abeyance for further consideration after the memorandum by the amicus curiae is filed.

Per Curiam

United States Court of Appeals

FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 73-1230 September Term, 1972

Marian Virginia Fuxton, Civil Action 2373-72
Appellant

v.

United States of America (Navy)

United States Court of Appeals
for the District of Columbia Circuit
FILED MAY [illegible]
HUGH E. KLINE
CLERK

O R D E R

On consideration of appellant's unopposed pro se motion to hear case on the original record, it is

ORDERED that the aforesaid motion is granted. Appellant shall submit 7 copies of those portions of the record deemed relevant for the Court's review.

FOR THE COURT:

HUGH E. KLINE, Clerk

BY:
Robert A. Bonner,
Chief Deputy Clerk

CLERK'S OFFICE
United States District Court for the District of Columbia

Washington, D.C., Feb. 15, 1973

Dear Sir:

In re: Buxton vs. U.S.Navy
C.A. 2373-72

Your Notice of Appeal filed Feb. 7, 1973, in the above-captioned case has been received in this office. The due date is March 19, 1973, so your fee of $25.00 should be forwarded direct to the United States Court of Appeals prior to that date.

JAMES F. DAVEY,
Clerk.

CLERK'S OFFICE
United States District Court for the District of Columbia

Buxton
(Plaintiff)
vs.
U.S. (Navy)
(Defendant)

Civil Action No 2373-72

There was entered on the docket 2-5-73 19 ...
an order denying motion of plaintiff for order for pension and damages filed January 23, 1973. Order granting defendant's motion to dismiss, dismissing action. McGuire, J.

James F. Davey, Clerk

UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

United States Court of Appeals
for the District of Columbia Circuit

No. 73-1234
(C.A. No. 2373-72)

FILED OCT 29 1973

HUGH E. KLINE
CLERK

UNITED STATES (NAVY), Appellee,

v.

MARIAN VIRGINIA BUXTON, Appellant.

MOTION FOR LEAVE TO FILE MOTION FOR EXTENSION OF TIME WITHIN WHICH TO FILE MEMORANDUM OF AMICUS CURIAE

Amicus curiae respectfully moves the Court for leave to file a motion for extension of time within which to file his memorandum pursuant to this Court's order of September 20, 1973, on the grounds that his investigation of the circumstances and preparation of the memorandum has been unavoidably delayed due to the fact that appellant moved California, a fact not known to amicus curiae in sufficient time to present a motion for extension of time within the time limitations set forth in this Court's Rule.

WHEREFORE, this motion should be granted, and the Court should permit the filing of the motion for extension of time.

Respectfully submitted,

SHERMAN L. COHN, Esquire
600 New Jersey Avenue, N.W.
Washington, D.C. 20001
Amicus Curiae

MOTION GRANTED

By Order of the Court

11-1-73

FILED

U. S. COURT OF APPEALS

RECEIVED
OCT 29 1973
CLERK OF THE UNITED
STATES COURT OF APPEALS

United States Court of Appeals
for the District of Columbia Circuit
FILED
NOV 1 1973
HUGH E. KLINE
MOTION GRANTED
Hugh E. Kline, Clerk
R. T. Bonner
Chief Deputy Clerk
11-1-73

UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 73-1234
(C.A. No. 2373-72)

UNITED STATES (NAVY), Appellee,

v.

MARIAN VIRGINIA BUXTON, Appellant.

MOTION TO EXTEND TIME FOR THE FILING OF THE MEMORANDUM FOR AMICUS CURIAE

Amicus curiae respectfully moves the Court to extend the time for the filing of his memorandum to and including November 9, 1973, and in support thereof represents as follows:

1. On September 23, 1973, this Court appointed amicus curiae and directed him to file a memorandum setting forth the circumstances surrounding the alleged destruction of appellant's property.

2. In order to properly perform that task, it has been necessary for amicus curiae to endeavor to locate and interview appellant. Amicus has now discovered that appellant has moved to Cornelia Bay, California, but the only address which he has been able to obtain is a postal box at the Cornelia Bay Post Office. Efforts to reach appellant by telephone, and by enlisting the aid of the Cornelia Bay postmaster, have not been successful.

3. In an effort to fully discharge his responsibilities, amicus has sought to enlist the aid of law schools near Cornelia Bay, California. These efforts have not been successful. However, the legal aid society of Reno, Nevada has agreed to assist amicus

and the Court by dispatching an investigator to the Cornelia Bay area to interview the appellant and discover the circumstances surrounding the alleged destruction of property. It is anticipated that amicus will have the report of this interview within ten days, and as soon as the report is received, amicus will prepare and file his memorandum.

WHEREFORE, amicus respectfully prays that this motion be granted and the time for filing his memorandum be extended until November 9, 1973.

Respectfully submitted,

Sherman L. Cohn

SHERMAN L. COHN, Esquire
600 New Jersey Avenue, N.W.
Washington, D.C. 20001
Amicus Curiae

Frank F. Flegal

FRANK F. FLEGAL
600 New Jersey Avenue, N.W.
Washington, D.C. 20001
Attorney for Amicus Curiae

Randy Pratt

RANDY POTT
Student Attorney for Amicus Curiae

Jerry Ochoa

JERRY OCHOA
Student Attorney for Amicus Curiae

73-124

GENERAL DOCKET
UNITED STATES COURT OF APPEALS
FOR THE
DISTRICT OF COLUMBIA

73-12

APPEAL FROM THE DISTRICT COURT

TITLE OF CASE	ATTORNEYS FOR APPELLANT
Marian Virginia Buxton, Appellant v. United States of America (Navy)	Sherman L. Cohn Amicus Cu Frank F. Flegal 601 New Jersey Avenue
(C)	ATTORNEYS FOR APPELLEE Harold H. Titus, Jr., U.S John A. Terry, Asst US At Joseph D. Valder, Asst US

No. below Civil Action 2373-72
Judge below Matthew F. McGuire
Date of Judgment February 5, 1973
Notice of appeal filed February 7, 1973

DATE	ACCOUNT OF APPELLANT	RECEIPTS		DISBURSEMENTS	
3-6-73	#54,512 DC #21 MAR 7 1973 RET'D TO TREAS.	25	00		

73-1284

GENERAL DOCKET

UNITED STATES COURT OF APPEALS

FOR THE

DISTRICT OF COLUMBIA CIRCUIT

73-1284

DATE	FILINGS—PROCEEDINGS	Filed
(C)3-6-73	Certified Original Record (no transcript) (n)	
(C)4-24-73	4-Pro se motion to hear appeal on original record and to file typewritten brief with original and four copies (OK RB)	
(C)5-1-73	4-Appellant's pro se brief (OK RB) (p-1)	
(B)5-24-73	Clerk's order that appellant's pro se motion to hear case on original record is granted. Appellant shall submit 7 copies of those portions of the record deemed relevant for the Court's review	
(S)6-11-73	7-Appellant's seven copies of portions of the record (m-11)	
(C)8-14-73	4-Appellee's motion for summary affirmance (m-14)	
(S)8-24-73	4-Appellee's motion in opposition to motion for summary affirmance of motion to dismiss appellant's claim (m-22)	
(B)9-21-73	Per Curiam order that the appeal from the dismissal of appellant's claim for pensio under 28 U.S.C. §1346 (D) 1970, is dismissed and, that Sherman Cohn, Esq., is appointed as amicus curiae and shall file a memorandum by October 21st, advisin the court of the circumstances and issues in connection with the asserted destruction of appellant's home. The remainder of appellee's motion for summary affirmance is held in abeyance for further consideration after the memorandum by the amicus curiae is filed; Wright and McGowan, CJ	
(S)10-29-73	4-Amicus Curiae's motion for leave to file motion to extend time to file memorandum pursuant to order of September 21, (m-29)	
(B)11-1-73	Clerk's order granting motion of Amicus Curiae for leave to file motion to extend time to file memorandum of amicus curiae; and extending time to November 9th	
(B)11-1-73	4-Motion of Amicus Curiae to extend time to file brief - granted	
(C)11-16-73	4-Memorandum of Amicus Curiae (Sherman L. Cohn) (m-9)	
(S)11-21-73	4-Appellant's response to memorandum of Amicus Curiae (Ok-RB) (m-15)	
(M)12-3-73	Per Curiam order directing the appellant to show cause, by December 18, 1973, why t judgment of the District Court should not be affirmed on the ground that appellan failed to comply with 28 U.S.C. § 2675 before commencing this action;CJ Bazelon a Robb, CJ	
(B)12-13-73	4-Appellant's reply to order to show cause (p-13)	
(B)12-19-73	Certified mail receipt returned from appellant	

OPTIONAL FORM 3
Civil Service Commission

Return this form to us

INQUIRY AS TO AVAILABILITY

U. S. NAVAL SHIP MISSILE SYSTEMS
INVESTIGATIONS SECTION
PORT HUENEME, CALIFORNIA

DATE: 5/14/71
GRADE: FP-11004

Marian V. Burton
5617 Victoria Road
Carmelian Bay, California 95711

(Please correct address if different from above)

POSITION: Guidance Counselor
SALARY: $10,470 pa

LOCATION: NSMSES, Port Hueneme, Calif.

TYPE OF APPOINTMENT
- ☐ CAREER-CONDITIONAL
- ☐ CAREER
- ☒ TEMPORARY FOR 90 Days

This office is considering you among others for the employment described. Please fill out the "Availability Statement" below, indicating whether you would accept this position if offered, and return the entire sheet to this office. Appointment would be subject to the Civil Service requirements described on the back of this letter. Whether you are available or not, your reply to this inquiry must be received by this office not later than as soon as possible. If your reply is not received by this date, you cannot be considered.

A. ☐ The Civil Service Commission has furnished your original application for review.

B. ☐ The Civil Service Commission was unable to furnish your original application for review at this time since it is being used elsewhere. You will find an application form attached to this inquiry. Please complete this application and return it to this office promptly along with your reply to this inquiry if you wish to be considered for appointment.

Failure to reply to this inquiry will result in the removal of your name from the list of eligibles.
THIS IS A LETTER OF INQUIRY AND NOT AN OFFER OF EMPLOYMENT. If selected, you will be notified and given further instructions.

Other information: If you will be available and interested in the position mentioned above, please fill out the enclosed SF-171 and return as soon as possible.

Sincerely yours,

(DO NOT DETACH) R. A. KILBOW, Head
Personnel Support Division

AVAILABILITY STATEMENT

The information you give below regarding your availability will be furnished to the Civil Service office which examines for the list of eligibles on which your name appears. It will not, however, be necessary for you to furnish this information direct to the Civil Service office. If you decline this position and do not give the conditions under which you will be available for future appointment, your name will be removed from the list of eligibles until such time as you report the conditions under which you are again available.

(Check one) ☒ I am available and wish to be considered for the position described above. I can report for duty within 3 days after notification. I am now employed by ___ unemployed and seeking employment.

☐ I do not wish to be considered for the position described above. I am giving my reasons on the other side of this form.

☐ I request that my name be removed from the active list of eligibles until I report that I am available for appointment.

☐ Consider me available for other appointments, subject to the following conditions:
The position must pay at least $ 6000 per year (year, month, day, or hour)
I am willing to work ☒ in Washington, D.C. ☒ Anywhere in the U.S. ☒ Outside the U.S. anywhere on U.S. installations
I will accept appointment of the following duration only:
I will accept short term appointment for ☒ 1 mos or less. ☒ 1 to 4 months. ☒ 4 to 12 months.

May 17, 1971 (Date) ___ (Signature)

(301 011-69 5020)

UNITED STATES CIVIL SERVICE COMMISSION

NOTICE OF RATING

APPLICANT MUST FILL IN ALL BLANKS DOWN TO HEAVY BLACK LINE

EXACT TITLE OF EXAMINATION: Correctional Officer WAS-927

DATE OF EXAMINATION:

NAME: Marian Burton

ADDRESS: [illegible]

CITY, STATE AND ZIP CODE: [illegible]

This is not a notice of appointment. It is a record of your rating. It is important that you keep it. It is noted that your application was not rated for any position with a lower entrance salary than that which you indicated thereon.

Your Rating is — ELIGIBLE

☐ This examination is not rated on a numerical basis

☒ Your numerical rating is:

GS-6 90

Your Rating is — INELIGIBLE for the reasons checked below:

☐ The lowest acceptable salary indicated on your application is higher than the salary shown on our announcement.

☐ You did not pass the written test. All competitors must attain an earned rating of 70 without regard to veteran preference. When an applicant's paper falls below the passing mark it is not scored further. Ineligibles do not receive a numerical grade.

☐ Your application does not show that you meet the minimum requirements as to experience (or education) which were specified in the examination announcement.

☐ Your eligibility is suspended pending your furnishing the Commission proof of correction of physical condition, as shown on the attached notice.

☐ Failed to reply to official correspondence.

☐

IF THERE IS A CHECK BELOW IT INDICATES THE AMOUNT OF VETERAN PREFERENCE CREDIT INCLUDED IN YOUR RATING

☐ 5 POINTS - IF YOU ARE APPOINTED YOU WILL BE REQUIRED TO FURNISH TO THE APPOINTING OFFICER EVIDENCE OF HONORABLE SEPARATION FROM THE ARMED FORCES

☐ 10 POINTS

If you have received an eligible rating, be sure to read the important message on the back of this form

INTERAGENCY BOARD OF
U. S. CIVIL SERVICE EXAMINERS FOR
WASHINGTON, D. C.
WASHINGTON, D. C. 20415

DEC 2 1971

(Issuing Office and Date of Issue)

CSC FORM 4008 (12
OCTOBER 1967)

State of California

THE STATE BOARD OF EDUCATION ACTING IN ACCORDANCE WITH THE AUTHORITY VESTED IN IT AWARDS TO

Marian Dryden Buxton

Standard Designated Services Credential

SUBJECT TO THE FOLLOWING STIPULATIONS

ISSUED: 1-19-72 EXPIRES: 6-30-77 SS# 131-12-2743 RENEWAL REQUIREMENTS: 37

SUBJECT(S) 8**** AUTHORIZATION(S) 271 **** MAJOR(S) **** MINOR(S) ****

Henry T. Sunderson
PRESIDENT, STATE BOARD OF EDUCATION

CHAIRMAN, COMMISSION FOR TEACHER PREPARATION AND LICENSING

FOR AN EXPLANATION OF RENEWAL REQUIREMENTS, SUBJECT, AND AUTHORIZATION CODES, SEE BOOKLET NO. 888

EXECUTIVE SECRETARY, COMMISSION FOR TEACHER PREPARATION AND LICENSING

SUPERINTENDENT OF PUBLIC INSTRUCTION AND SECRETARY, STATE BOARD OF EDUCATION

14a

State of California

THE STATE BOARD OF EDUCATION ACTING IN ACCORDANCE WITH THE AUTHORITY VESTED IN IT AWARDS TO

Karlan Dryden Buxton

Standard Teaching Credential

SUBJECT TO THE FOLLOWING STIPULATIONS

ISSUED: 1-19-72 EXPIRES: 6-30-77 SS# 131-12-2743 RENEWAL REQUIREMENTS: 32, 33

SUBJECT(S) **** AUTHORIZATION(S) 172 ;**** MAJOR(S) **** MINOR(S) ****

Henry T. Sumbardson
PRESIDENT, STATE BOARD OF EDUCATION

CHAIRMAN, COMMISSION FOR TEACHER PREPARATION AND LICENSING

FOR AN EXPLANATION OF RENEWAL REQUIREMENTS, SUBJECT, AND AUTHORIZATION CODES, SEE BOOKLET NO. 626.

EXECUTIVE SECRETARY, COMMISSION FOR TEACHER PREPARATION AND LICENSING

SUPERINTENDENT OF PUBLIC INSTRUCTION SECRETARY, STATE BOARD OF EDUCATION

UNITED STATES CIVIL SERVICE COMMISSION

NOTICE OF RATING

APPLICANT MUST FILL IN ALL BLANKS DOWN TO HEAVY BLOCK LINE

EXACT TITLE OF EXAMINATION	DATE OF EXAMINATION
Psychologist [illegible]-213	

NAME: [illegible] Burton

ADDRESS: 5417 Victoria Road

CITY, STATE AND ZIP CODE: Carmelian City, California 95711

This is not a notice of appointment. It is a record of your rating. It is important that you keep it. It is noted that your application was not rated for any position with a lower entrance salary than that which you indicated thereon.

Your Rating is — ELIGIBLE

☒ This examination is not rated on a numerical basis

☐ Your numerical rating is:

Psychologist [illegible]-213-Eligible
Psychologist [illegible]-211 Eligible
Psychologist [illegible]-212 Eligible

Your Rating is — INELIGIBLE for the reasons checked below:

☐ The lowest acceptable salary indicated on your application is higher than the salary shown on our announcement.

☐ You did not pass the written test. All competitors must attain an earned rating of 70 without regard to veteran preference. When an applicant's paper falls below the passing mark it is not scored further. Ineligibles do not receive a numerical grade.

☐ Your application does not show that you meet the minimum requirements as to experience (or education) which were specified in the examination announcement.

☐ Your eligibility is suspended pending your furnishing the Commission proof of correction of physical condition, as shown on the attached notice.

☐ Failed to reply to official correspondence.

☐

IF THERE IS A CHECK BELOW IT INDICATES THE AMOUNT OF VETERAN PREFERENCE CREDIT INCLUDED IN YOUR RATING

☐ 5 POINTS. IF YOU ARE APPOINTED YOU WILL BE REQUIRED TO PRESENT TO THE APPOINTING OFFICER EVIDENCE OF HONORABLE SEPARATION FROM THE ARMED FORCES.

☐ 10 POINTS

If you have received an eligible rating, be sure to read the important message on the back of this form.

INTERAGENCY BOARD OF
U.S. CIVIL SERVICE EXAMINERS FOR
WASHINGTON, D.C.
WASHINGTON, D. C. 20415

(Issuing Office and Date of Issue)

CSC FORM 490 [illegible]

UNITED STATES CIVIL SERVICE COMMISSION

NOTICE OF RATING

APPLICANT MUST FILL IN ALL BLANKS DOWN TO HEAVY BLACK LINE

EXACT TITLE OF EXAMINATION: ~~PSYCHOLOGIST~~

DATE OF EXAMINATION:

NAME: Mrs. Virginia D. Buxton

ADDRESS: 5617 Victoria Rd.

CITY, STATE AND ZIP CODE: Costa Mesa, Calif. 92626

This is not a notice of appointment. It is notice of your rating. It is important that you keep it. It is noted that your application was not rated for any position with a lower entrance salary than that which you indicated thereon.

Your Rating is — ELIGIBLE

☐ This examination is not rated on a numerical basis

☐ Your numerical rating is:

Clinical Psychologist . GS-9 89
GS-11 90
GS-12 75

Your Rating is — INELIGIBLE for the reasons checked below.

☐ The lowest acceptable salary indicated on your application is higher than the salary shown in the announcement.

☐ You did not pass the written test. All competitors must attain an earned rating of 70 without regard to veteran preference. When an applicant's paper falls below the passing mark it is not scored further, so eligibles do not receive a numerical grade.

☐ Your application does not show that you meet the minimum requirements as to experience for clinical psychologist which were specified in the examination announcement.

☐ Your eligibility is suspended pending your furnishing the Commission proof of correction of a physical condition, as shown on the attached notice.

☐ Failed to reply to official correspondence.

☐

IF THERE IS A CHECK BELOW IT INDICATES THE AMOUNT OF VETERAN PREFERENCE CREDIT INCLUDED IN YOUR RATING

☐ 5 POINTS — IF YOU ARE ENTITLED TO, WILL BE ENTERED ON REGISTER IN THE KIND OF OFFICE OR EMPLOYMENT YOU CHOOSE, & PLACED ABOVE ALL NON-PREFERENCE ELIGIBLES

☐ 10 POINTS

If you have received an eligible rating, be sure to read the important message on the back of this form

INTERAGENCY BOARD OF
U. S. CIVIL SERVICE EXAMINERS FOR
WASHINGTON, D. C.
WASHINGTON, D. C.
(Issuing Office and Date of Issue)

CSC FORM NO. 1
OCTOBER 1949

INTERAGENCY BOARD OF U. S. CIVIL SERVICE EXAMINERS
FOR HAWAII AND THE PACIFIC AREA
FEDERAL BUILDING
HONOLULU, HAWAII 96813

DATE JUL 6 1970

Marian Virginia Burton
5617 Victoria Road
Carmelian Bay, California 95711

TITLE OF EXAMINATION	GRADES	RATINGS
[illegible]	GS-9,11,	ELIGIBLE

YOUR RATING, WHICH IS SHOWN ABOVE, ENTITLES YOU TO BE CONSIDERED FOR DIRECT-HIRE APPOINTMENT OR TEMPORARY APPOINTMENT WHEN YOUR NAME IS REACHED, IF YOU ARE AVAILABLE FOR APPOINTMENT AT THAT TIME.

AVAILABILITY

IF YOU ARE NOW AVAILABLE FOR APPOINTMENT FROM THIS LIST, PLEASE COMPLETE THE ENCLOSED AVAILABILITY CARD FORM(S) FW.1553 AND RETURN THE FORM(S) TO THIS OFFICE. DO NOT RETURN THE ENCLOSED FORM(S) UNLESS YOU ARE PRESENTLY ACTUALLY AVAILABLE FOR APPOINTMENT. IF YOU DO NOT RETURN THE COMPLETED FORM(S) WITHIN 10 DAYS FROM THE DATE OF THIS LETTER, WE WILL ASSUME YOU ARE NOT CURRENTLY AVAILABLE FOR CONSIDERATION AND YOU WILL BE REMOVED FROM THE ACTIVE LIST. HOWEVER, YOU MAY RETURN THE CARD FORM(S) AT ANY TIME WHEN YOU ARE ACTUALLY AVAILABLE AND WE WILL RESTORE YOUR NAME TO THE LIST, IF THE LIST HAS NOT BEEN TERMINATED.

TIME OF ELIGIBILITY

UNLESS SPECIFIED OTHERWISE IN THE EXAMINATION ANNOUNCEMENT, YOUR ELIGIBILITY ON THE LIST OF ELIGIBLES IS LIMITED TO THE LENGTH OF TIME THE LIST REMAINS ACTIVE, BUT NO LONGER THAN 12 MONTHS FROM THE DATE SHOWN ON YOUR NOTICE OF RATING. YOU MAY REQUEST AN EXTENSION OF YOUR ELIGIBILITY WITHIN 10 MONTHS FROM THE DATE OF THE NOTICE OF RATING BY SUBMITTING APPROPRIATE INFORMATION OF YOUR AVAILABILITY AND YOUR EXPERIENCE OR ACTIVITIES SINCE FILING YOUR INITIAL APPLICATION, EITHER ORAL ITEM, BY, OR BY LETTER. STATE EXPLANATIONS PRIOR TO THE 10-MONTH PERIOD WILL NOT BE ACCEPTED UNLESS YOU ARE RECUPERATING FOR A HIGHER LEVEL AND THE EXAMINATION IS STILL [illegible] ELIGIBLES. FAILURE TO MAINTAIN THESE REQUIREMENTS OF TIME LIMITS WILL BE CAUSE FOR REMOVAL FROM THE REGISTER.

EXCEPTIONS: FSEE—PLEASE REFER TO THE TERM OF ELIGIBILITY GIVEN ON REVERSE OF YOUR NOTICE OF RATING.

TEMPORARY EMPLOYMENT

IF YOU ACCEPT TEMPORARY EMPLOYMENT, YOUR NAME REMAINS ON THE LIST FOR PERMANENT APPOINTMENT. IF WE CONSIDER YOU FOR TEMPORARY APPOINTMENT FROM THE REGISTER AND YOU ACCEPT SUCH APPOINTMENT, IT WILL NOT AFFECT YOUR NAME FOR TEMPORARY JOBS UNTIL YOU TELL US THAT YOUR TEMPORARY APPOINTMENT HAS ENDED OR IS ABOUT TO END AND THAT YOU ARE AVAILABLE FOR FURTHER TEMPORARY EMPLOYMENT.

PLEASE READ INSTRUCTIONS ON THE OTHER SIDE ON HOW TO FILL OUT THE AVAILABILITY CARD.

Dean Bollman

EXECUTIVE OFFICER

ENCLOSURE: FW.1553

FWP-322
REV.3/63

LOUIS E. ARNAUD, M.D.
1181 BOULEVARD WAY
WALNUT CREEK, CALIFORNIA 94595
PHONE 934-7681

March 13, 1973

To Whom It May Concern:

Re: Mrs. Virginia Buxton

Mrs. Buxton has asked this office for a character reference, which we can give unreservidly. This lady is a very pleasant well educated individual.

Any further questions in regard to this lady, please feel free to call this office.

Yours truly,

L. E. Arnaud, M. D.

L. E. Arnaud, M. D.

LEA:wb

I have known Virginia Buxton for over 30 years. She has been a friend and [illegible] of character.

W. J. Cunningham, D.D.S.
2402 Vine Street,
Berkeley, California
845-8876

29

MARRIAGE CERTIFICATE

State of California County of Contra Costa

I Hereby Certify that on April (MONTH) 20th (DAY) 1963

at St. Stephen Episcopal Church, Orinda, California, under authority

of a license issued by the County Clerk of the County of Alameda, I, the

undersigned, as a Priest of the Episcopal Church, joined in marriage

James Morgan Preston and Virginia Hayden Hoffler

In the presence of Mrs. Dolores Hoppe, residing at Berkeley, California,

California, and Agnes Stringham, residing at Berkeley, California

California.

C. Corwin Eldredge
SIGNATURE OF PERSON SOLEMNIZING MARRIAGE

In reply address not the signer of this letter, but the Navy Department, Field Branch, Bureau of Supplies and Accounts, Cleveland 15, Ohio, and

Refer to No.

NAVY DEPARTMENT
FIELD BRANCH
BUREAU OF SUPPLIES AND ACCOUNTS
CLEVELAND 15, OHIO

FB/P15(25)(P)

From: Chief of Field Branch
To: BUXTON, James M., Lieut., SC(S), USNR, 336761

SUBJ: American Campaign Ribbon and World War II Victory Ribbon, Authority to wear

Refs: (a) ALNAV 351-45
(b) ALNAV 352-45

1. It has been determined, in accordance with references, that you are eligible for subject medals. You are hereby authorized to wear the respective ribbons.

F. E. McMILLEN

CC: ChBuPers
Jacket

THE

President of the United States of America.

To all who shall see these presents, greeting:

Know Ye, That reposing special trust and confidence in the Patriotism, Valor, Fidelity and Abilities of JAMES MORGAN PIXTON I do appoint him A LIEUTENANT COMMANDER IN THE SUPPLY CORPS in the Naval Reserve of the United States Navy to rank from the ---- day of ---- He is therefore carefully and obligingly to discharge the duties of such office by doing and performing all manner of things thereunto belonging.

And I do strictly charge and require all Officers, Seamen and Marines under his command to be obedient to his orders. And he is to observe and follow such orders and directions from time to time as he shall receive from me, or the future President of the United States of America or his Superior Officers set over him according to the Rules and Discipline of the Navy.

This Commission to continue in force during the pleasure of the President of the United States for the time being.

Done at the City of Washington this ELEVENTH day of JULY in the year of our Lord One Thousand Nine Hundred and FORTY-NINE and of the Independence of the United States of America the One Hundred and SEVENTY-FOURTH

By the President

Frances P. Matthews
Secretary of the Navy

420850

Relative Precedence from 1 February 1940

RING, TURNER & RING
ATTORNEYS AT LAW
1633 NORTH BROADWAY
WALNUT CREEK, CALIFORNIA 94597
AREA CODE 415
TELEPHONE 935-0550

C. TERRENCE RING
HAROLD H. TURNER
JAMES D. RING
ROBERT J. ATHEY
ANTHONY J. GINOCCHIO
J. TIMOTHY LANE

MAILING ADDRESS:
P. O. BOX 47

February 28, 1972

TO WHOM IT MAY CONCERN:

Please be advised that VIRGINIA D. BUXTON has never been involved in any divorce proceeding and that the only matter ever pending against or by her was for separate maintenance, a decree for which was entered on April 3, 1969. Mr. James D. Buxton and Mrs. Virginia D. Buxton are still legally married and no divorce proceeding is pending.

Very truly yours,

RING, TURNER & RING

A. J. GINOCCHIO

AJG/jl
cc

F R Service
1240 ALA AIDANA
HONOLULU, H.

IBM RETIREMENT PLAN WORKSHEET
1962 PLAN

Name JAMES M BUXTON
IBM # 413795 Loc. HONOLULU Div. 13
Home Address 32 S KALAHEO AVE
KAILUA, HAWAII
Check Address

Soc. Sec. # 561-18-7592 P/R 2215
Salary 1750 - mo Position
3 YRS-6 MOS

	Month	Day	Year
Date of Birth	11	03	07
Retirement Date	05	01	66
Date Employed	09	07	37

Length of Service 33 Yrs. 8 Mos.
Retirement Insurance $ 13 Years Wages
$ 12000.00 Coverage

1. Early Retirement Election:
19 Months Early - 4.75 % Reduction
Retirement Income $ 762.77
Less 4.75% of $ 762.77 - 36.23
Monthly Early Retirement Income $ 726.54

2. Joint and Survivor Election: 50%

Joint Annuitant:
Sex F
Date of Birth 11-14-13
Age to nearest year 52
J & S Adjustment % 75.7
Retirement Income (Before Adj.) $ 726.54
J & S Adjustment % x 75.7
Monthly J & S Retirement Income $ 549.99

RETIREMENT INCOME COMPUTATION

A. Service and Earnings Formula

Year	Total Earnings	Earnings To $4,800	Earnings Over $4,800
1953	$		
1954			
1955			
Average Service Prior to 1/1/56	$	$ x	$ x
1956	$		
1957			
1958			
1959			
1960			
1961			
1962			
1963			
1964		4800.00	509,414.95
1965	21,000.00	4,800.00	16,200.00
1966	7,000.00	4,800.00	2,200.00
1967			
1968			
Total Earnings	$ 28,000.00	$ 24,000.00	$ 527,814.95
		x .0075	x .05
		$ 1800.00	$ 7917.22
Annual Retirement Income		$ 1236.00	$ 4153.37
Monthly Retirement Income - Service and Earnings Formula			$ 764.77

B. Service Formula $4.50 x 33⅓/year

Monthly Retirement Income - Service Formula 12.50 $ 151.36

SOURCE OF RETIREMENT INCOME

	IBM Trust Fund	Insurance Company	Total Income
Normal Retirement Income	$	$	$
J & S Retirement Income	539.73	10.26	549.99
Early Retirement Income			
Level Retirement Income To			
For Life			

10.00 x 75.40% = 7.54
5.00 x 75.13% = 1.72
10.26

Remarks: Earnings credited for IBM Retirement Plan purposes through end of the year marked by asterisk.

Completed By:
Checked By:
Date: 4-27-66

NRD 12-01-89

Cable Address — BANKAMERICA

Bank of America
NATIONAL TRUST AND SAVINGS ASSOCIATION

TRUST DEPARTMENT
OAKLAND DISTRICT TRUST OFFICE

December 1, 1961

1300 BROADWAY, OAKLAND 12, CALIFORNIA

Mr. and Mrs. James D. Burton
3723 Rose Court
Lafayette, California

AN-1475-O

Dear Mr. and Mrs. Burton:

As requested by yourself and the I.B.M. Corporation, your property at 3723 Rose Court, Lafayette, California has been appraised to determine the market value.

The fair market value of the property is $52,650.00.

Very truly yours,

L. G. Ferrero
Property Management

LGF:jmc
cc: HONSON IBM

Recorded at the request of 82338

Return to:

James M. Buxton
3723 Rose Court
Lafayette, California

245-04A-01

BOOK 4451 PAGE 573

RECORDED AT REQUEST OF
WESTERN TITLE GUARANTY COMPANY
CONTRA COSTA COUNTY DIVISION (formerly
Contra Costa County Title Co.
SEP 17 1963
AT 2 O'CLOCK P M.
CONTRA COSTA COUNTY RECORDS
FEE $2.00 W. T. PAASCH
COUNTY RECORDER

THIS BOX FOR EXCLUSIVE USE OF COUNTY RECORDER

GRANT DEED

(Individual Grantor)

Order No. W-270465

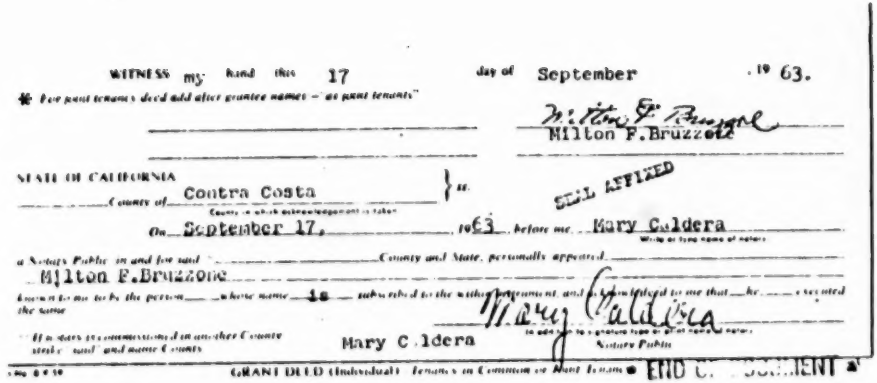
For value received MILTON F. BRUZZONE

GRANT S to JAMES M. BUXTON and VIRGINIA D. BUXTON, his wife, as joint tenants,

all that real property situate in the County of Contra Costa, State of California, described as follows:

Lot 1, map of Tract No. 2615, filed November 28, 1958, Map Book 71, page 29, Contra Costa County records.

Subject to the declaration recorded April 29, 1959, Book 3363, Official Records, page 173 and which declaration is made a part of this deed the same as if it were embodied herein.



WITNESS my hand this 17 day of September 19 63.

* For joint tenancy deed add after grantee names - "as joint tenants"

Milton F. Bruzzone

STATE OF CALIFORNIA
Contra Costa } ss.
County of (County in which acknowledgment is taken)

SEAL AFFIXED

On September 17, 1963 before me, Mary Caldera
(Write or type name of notary)

a Notary Public in and for said County and State, personally appeared

Milton F. Bruzzone

known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same

Mary Caldera
(If a notary is commissioned in another County write "said" and name County)

Mary C. Idera
(In case of a corporate type of grant name of notary)
Notary Public

GRANT DEED (Individual) Tenancy in Common or Joint Tenancy END OF DOCUMENT

RECEIVED FROM

ACCOUNT NO 17

VIRGINIA D BUXTON

MASON BROTHERS
INVESTMENT SECURITIES
1130 FIRST WESTERN BUILDING
OAKLAND, CALIFORNIA 94612
TELEPHONE 832-0344
MEMBERS
PACIFIC COAST STOCK EXCHANGE

No. R 8553

DATE MAY 26, 1969

DISPOSITION SOLD ONLY 5 SHS

THE SECURITIES AS LISTED BELOW

NO. SHARES	DESCRIPTION & S.E.C. NO.	CTF. (BOOK) NOS.	IN NAME OF (OR OTHER)
90	INTERNATIONAL BUSINESS MACH CORP #21532 OVER DELIVERY OF 85 SHS	SL951946	VIRGINIA D BUXTON

MASON BROTHERS

BY SUKI

ORIGINAL

SAN FRANCISCO
601 California Street
Phone 981-0860

SACRAMENTO
930 J Street Building
Phone 444-0830

SAN JOSE
Bank of America Building
Phone 289-7370

MONTEREY
Professional Building
Phone 372-8055

MASON BROTHERS

Investment Bankers

MEMBERS PACIFIC COAST STOCK EXCHANGE
1130 First Western Building · Oakland 12, California
AREA CODE 415 · 832-0344

Nov. 12, 1969

Mrs. Virginia D. Buxton
5617 Victoria Road
Carmelian Bay, California 95711

DATE	#21335 DESCRIPTION	BOUGHT DR	SOLD CR	BALANCE
5/27/69	90 shs. I B M Received			
5/27/69	5 shs. I B M Sold		$ 1,624.96	
6/ 3/69	Check Issued	$ 1,624.96		-0-
6/25/69	5 shs. I B M Sold		1,558.71	
6/26/69	Check Issued	1,558.71		-0-
8/15/69	2 shs. I B M Sold		672.48	
8/19/69	Service Charge	2.00		
8/19/69	Check Issued	670.48		-0-
11/ 3/69	2 shs. I B M Sold		709.98	
11/10/69	Check Issued	709.98		-0-
11/10/69	10 shs. I B M Sold		3,652.42	
	Balance due you Settlement Date - 11/18/69			$ 3,652.42
	66 shs. I B M now in account.			

$360.10 $360.10 364-46-7512 08-75-95-021

TO JAMES M. BURTON &
WHOM VIRGINIA DRYDEN BURTON JR TTEE
PAID 5617 VICTORIA RD
CARMICHAEL BAY CALIF 95711

190 350

BY WHOM PAID INTERNATIONAL BUSINESS MACHINES CORPORATION
ARMONK, NEW YORK 10504 13-027198

Payer's No. 851 429

JAMES M. BURTON
VIRGINIA DRYDEN BURTON
JT TEE
5617 VICTORIA RD
CARMICHAEL BAY CALIF 95711

X FOR INFORMATION ONLY

$78.00 [illegible] 08-75 84-1577

TO VIRGINIA D. BURTON
[illegible]
PAID

PAID BY INTERNATIONAL BUSINESS MACHINES CORPORATION

Internal Revenue Service

UNITED STATES INFORMATION RETURN FOR CALENDAR YEAR 1970

Dividend Paid	Taxpayer Identification Number	IBM Account Number
$298.80	131-12-2743	CE-7584-157-0C

TO WHOM PAID

VIRGINIA C FLXTON
% MRS E R BRCWN
517 FADCCN RC.
CAKLANC CALIF 94606

30a

467 197

BY WHOM PAID INTERNATIONAL BUSINESS MACHINES CORPORATION
ARMONK, NEW YORK 10504

13-0871985